

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Spencer Migotsky	Team: Squad #1	CCRB Case #: 201500480	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 01/22/2015 3:23 PM	Location of Incident: § 87(2)(b)	Precinct: 73	18 Mo. SOL 7/22/2016	EO SOL 7/22/2016	
Date/Time CV Reported Thu, 01/22/2015 4:17 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 01/22/2015 4:17 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Beatrice Shafidiya	04079	939456	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Blissett	26805	920037	073 PCT
2. POM Gary Allen	17926	933601	073 PCT
3. POM Darek Krala	13918	936887	073 PCT
4. POM Arthur Egner	03602	928239	073 PCT
5. SSA Nicole Locke		344081	
6. SSA Darren Oden		336309	
7. SSA Donna Crawson		352301	
8. SSA Orlando Torrez		337154	
9. SSA Norman Ellington		334885	
10. SSA Shereese Miller		349242	

Officer(s)	Allegation	Investigator Recommendation
A.SGT Beatrice Shafidiya	Discourtesy: Sgt. Beatrice Shafidiya spoke rudely to § 87(2)(b)	§ 87(2)(b)
B.SGT Beatrice Shafidiya	Force: Sgt. Beatrice Shafidiya used pepper spray against § 87(2)(b)	§ 87(2)(b)

Case Summary

On January 22, 2015 at approximately 3:00 pm, § 87(2)(b) arrived at the § 87(2)(b) because her § 87(2)(b) old daughter had been involved in a fight and was in police custody. § 87(2)(b) wanted the boy who her daughter fought with to be arrested too but the officers declined to arrest him. § 87(2)(b) was upset about the situation and subsequently escorted out of the school by PO Michael Blissett of the 73rd Precinct. § 87(2)(b) got into a verbal argument with Sgt. Shafidiya and yelled personal insults at her. Sgt. Beatrice Shafidiya also of the 73rd Precinct walked across the room, allegedly said “that’s it, your ass is going down” or “that’s it, bitch,” and pepper sprayed § 87(2)(b) in the face (**Allegation A** and **Allegation B**). § 87(2)(b) was then handcuffed and taken to the 73rd Precinct stationhouse where she was issued a disorderly conduct summons by PO Blissett and given medical treatment. The incident was captured on the school’s security video footage (Board Review 01 and 10).

Mediation, Civil and Criminal Histories

Because § 87(2)(b) was injured, this complaint was unsuitable for mediation. She has not filed a notice of claim. § 87(2)(b), § 87(2)(a) 160.50

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 09).
- Sgt. Shafidiya has been a member of the NYPD for nine years and has three allegations against her in three cases. None have been substantiated § 87(2)(g)

Explanation of Subject Officer Identification

§ 87(2)(b) identified the subject officer of both allegations as a black female with braces in a blue uniform. Sgt. Shafidiya matches the description provided by § 87(2)(b). Moreover, Sgt. Shafidiya admitted to pepper spraying § 87(2)(b) so **Allegation A** and **Allegation B** are pleaded against Sgt. Shafidiya.

Recommendations

Allegation A— Sgt. Beatrice Shafidiya spoke rudely to § 87(2)(b)

In § 87(2)(b)’s intake call, she alleged that Sgt. Shafidiya said “that’s it, bitch” to her before pepper spraying her. In her in-person statement at the CCRB, § 87(2)(b) stated that Sgt. Shafidiya said “that’s it; your ass is going down” before pepper spraying her (Board Review 01).

Sgt. Shafidiya denied saying either of the alleged statements or using any profanity whatsoever (Board Review 07). Five witnesses were interviewed (Board Review 02-06). PO Allen did not hear whether she made the alleged statements; PO Krala did not know whether Sgt. Shafidiya made the alleged statements; SSA Locke did not recall Sgt. Shafidiya saying the alleged statements or any other profanity. SSA Odome stated that Sgt. Shafidiya said “she’s not gonna be too many more bitches,” but did not recall if she said either of the statements alleged by § 87(2)(b). While SSA Odome’s recollection corroborates Sgt. Shafidiya’s use of the word “bitch” he seems to place it into a context that is not directed towards § 87(2)(b) and is not similar to either comment alleged by § 87(2)(b). Nevertheless, no one else mentioned Sgt. Shafidiya saying this particular remark, including § 87(2)(b).

The video footage from the school did not include an audio recording.

§ 87(2)(b), § 87(2)(g)

Allegation B— Sgt. Beatrice Shafidiya used pepper spray against § 87(2)(b)

§ 87(2)(b) Sgt. Shafidiya, PO Blissett, PO Allen, PO Krala, SSA Locke, and SSA Odome each independently confirmed that Sgt. Shafidiya pepper sprayed § 87(2)(b) (Board Review 01-07). Moreover, there is video footage which shows that Sgt. Shafidiya pepper sprayed her. During her interview, Sgt. Shafidiya pointed out the exact point at which she pepper sprayed § 87(2)(b) § 87(2)(b).

According to § 87(2)(b) she yelled at Sgt. Shafidiya that she was an “ugly ass” and a “metal mouth bitch” and that the wig Sgt. Shafidiya was wearing was “ugly.” Sgt. Shafidiya then approached § 87(2)(b) and pepper sprayed her in the face. Sgt. Shafidiya acknowledged that § 87(2)(b) made these insults to her but insisted that she paid them no attention.

It is undisputed that prior to being pepper sprayed § 87(2)(b) had been asked to leave and PO Blissett was escorting her out of the building without making physical contact. § 87(2)(b) was not under arrest at that point. However, she was argumentative and yelling at Sgt. Shafidiya.

Sgt. Shafidiya stated that she tried to direct § 87(2)(b) out the door but § 87(2)(b) stopped and continued to yell. She acknowledged that § 87(2)(b) did not make any physical movements and that she was annoyed with § 87(2)(b) for causing a disturbance in the school.

Sgt. Shafidiya § 87(2)(b), § 87(2)(g)

§ 87(2)(b). She stated that she was attempting to restrain and arrest her, that she pepper sprayed her because § 87(2)(b) was making threats, and that she was attempting to defuse the situation.

Sgt. Shafidiya defended her actions by stating that § 87(2)(b) was a “threat.” More specifically, Sgt. Shafidiya stated that § 87(2)(b) threatened to “bring the plaza to fuck them up” and to “shoot up the place.” Sgt. Shafidiya explained that “the plaza” is a complex of housing projects about 5-7 blocks away from the § 87(2)(b) and that she has heard these types of threats often from individuals from the plaza.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g) PO Allen and SSA Locke stated that Sgt. Shafidiya's discharge of the spray caused them to cough and SSA Odome stated that he opened the doors to the school to let air in so that students about to be dismissed from class would not be affected. § 87(2)(b), § 87(2)(g)

The NYPD Patrol Guide states in section 212-95 that pepper spray "shall not be used in situations that do not require the use of physical force." It also states that "pepper spray may be used when a member reasonably believes it is necessary to effect and arrest of a resisting suspect, for self-defense or defense of another" (Board Review 08).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Pod: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

